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*Attorneys for  
Lead Plaintiff Carlos Marina*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TAD SCHLATRE, Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.,  
f/k/a MARATHON PATENT GROUP, INC.,  
MERRICK D. OKAMOTO, FREDERICK G.  
THIEL, and SIMEON SALZMAN,

Defendants.

Case No.: 2:21-cv-02209-RFB-NJK

**CLASS ACTION**

**LEAD PLAINTIFF CARLOS  
MARINA'S MOTION FOR ORDER  
EXTENDING DEADLINES ON  
FILING OF THE AMENDED  
COMPLAINT AND BRIEFING ON  
DEFENDANTS' RESPONSIVE  
PLEADINGS**

**LR IA 6-1  
First Extension Request**

1 Pursuant to LR IA 6-1, Lead Plaintiff Carlos Marina respectfully requests that the  
2 Court enter an Order: (i) extending the deadline for Lead Plaintiff to file his amended  
3 complaint; and (ii) establishing a briefing schedule on Defendants' anticipated motion to  
4 dismiss the amended complaint as to which the parties have agreed. Defendants take no  
5 position on this motion. This is the first requested extension to the above-referenced  
6 deadlines. Lead Plaintiff submits that the requested relief is reasonable and will cause no  
7 prejudice to any party or undue delay.

8 By way of background, on December 17, 2021, plaintiff Tad Schlatre ("Schlatre")  
9 initiated this securities fraud class action governed by the Private Securities Litigation  
10 Reform Act ("PSLRA"). ECF No. 1. Under the PSLRA, discovery is generally stayed  
11 pending resolution of any motion to dismiss. *See* 15 U.S.C. § 78u-4(b)(3)(B).

12 On March 17, 2022, the Court entered an Order granting plaintiff Schlatre's and  
13 Defendants' stipulation relieving Defendants from responding to the initial complaint until  
14 after the appointment of Lead Plaintiff and Lead Counsel. ECF No. 25. Instead, the Court  
15 ordered that: (1) Defendants' counsel and appointed lead counsel shall meet and confer on  
16 the deadline to file the amended complaint and Defendants' deadline to respond within ten  
17 (10) business days of the Court's appointment of a lead plaintiff and lead counsel; and (2) a  
18 briefing schedule shall be submitted within ten (10) business days after the parties met and  
19 conferred on said deadlines. ECF No. 25.

20 On September 7, 2022, the Court held a hearing on the competing lead plaintiff  
21 motions and entered an order granting Carlos Marina's motion for appointment as Lead  
22 Plaintiff and approving his selection of Hagens Berman as lead counsel, and Aldrich Law  
23 Firm, Ltd. as liaison counsel. ECF No. 46. At the hearing, the Court directed Lead Counsel  
24 to meet and confer with Defendants' counsel and submit a briefing schedule for the filing of  
25 an amended complaint and the briefing on Defendants' motion to dismiss within two weeks  
26 of the hearing. The Court stated that the transcript of the lead plaintiff motion hearing shall  
27 serve as the Opinion and Order of the Court. ECF No. 46.

1 On September 7, 2022, the Court entered a Minute Order, ruling that the deadline  
 2 for the filing of the amended complaint is due two weeks from September 7, 2022 (i.e.,  
 3 September 21, 2022). ECF No. 46.

4 Lead Counsel is diligently preparing an amended complaint, which allegations will  
 5 be more expansive than those in the original complaint filed by Schlatre, as is customary in  
 6 securities class actions governed by the Private Securities Litigation Reform Act  
 7 (“PSLRA”). Prior to doing so, extensive investigation will be needed to prepare a  
 8 sufficiently detailed amended complaint for this securities fraud class action which requires  
 9 particularized pleading to satisfy the PSLRA’s heightened pleading standards. Accordingly,  
 10 Lead Plaintiff respectfully requests that the Court set the date to file the amended complaint  
 11 to October 21, 2022. To put this request into context, the time between the appointment of  
 12 lead plaintiff and submission of the consolidated complaint – 44 days – is shorter than the  
 13 deadline set in other recent securities fraud cases in this District. *See, e.g., Luo v. Spectrum*  
 14 *Pharm., Inc., et al.*, Case No. 2:21-cv-01612, ECF No. 35 (D. Nev. Mar. 2, 2022)  
 15 (allowing court appointed lead plaintiff 60 days to file amended complaint following  
 16 appointment); *Sieggreen v. Live Ventures Inc., et al.*, Case No. 2:21-cv-01517, ECF No 11,  
 17 19 (D. Nev. 2021) (allowing court appointed lead plaintiff 60 days to file amended  
 18 complaint following appointment and further extending deadline for lead plaintiff to file  
 19 amended complaint in light of parallel Securities Exchange Commission case relevant to  
 20 preparation of the amended complaint); *The Daniels Family Revocable Trust v. Las Vegas*  
 21 *Sands Corp., et al.*, Case No. 2:20-cv-01958, ECF No. 25 (D. Nev. Jan. 26, 2021) (allowing  
 22 court appointed lead plaintiff 62 days to file amended complaint following appointment).

23 In addition, the parties also propose deadlines for the filing of Defendants’  
 24 responsive pleadings and briefing on any motion to dismiss, as set forth below:

- 25 1. Defendants’ responsive pleadings – December 6, 2022.
- 26 2. Lead Plaintiff’s opposition to any motion to dismiss – January 20, 2023.
- 27 3. Defendants’ reply in support of any motion to dismiss – February 17, 2023.

1 **CONCLUSION**

2 Lead Plaintiff thus respectfully requests that the Court enter the attached [Proposed]  
3 Order.

4  
5 DATED: September 12, 2022 HAGENS BERMAN SOBOL SHAPIRO LLP  
6

7 By /s/ Lucas E. Gilmore  
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22 *Liaison Counsel for Lead Plaintiff*  
23 *Carlos Marina*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2022, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

**HAGENS BERMAN SOBOL SHAPIRO LLP**

/s/ Lucas E. Gilmore  
Lucas E. Gilmore

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17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 TAD SCHLATRE, Individually and On  
20 Behalf Of All Others Similarly Situated,

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24 f/k/a MARATHON PATENT GROUP, INC.,  
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26 THIEL, and SIMEON SALZMAN,

27 Defendants.  
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Case No.: 2:21-cv-02209-RFB-NJK

CLASS ACTION

**[PROPOSED] ORDER GRANTING  
LEAD PLAINTIFF CARLOS  
MARINA'S MOTION FOR ORDER  
EXTENDING DEADLINES ON  
FILING OF THE AMENDED  
COMPLAINT AND BRIEFING ON  
DEFENDANTS' RESPONSIVE  
PLEADINGS**

Upon consideration of Lead Plaintiff Carlos Marina's Motion for Order Extending Deadlines on Filing of the Amended Complaint and Briefing on Defendants' Responsive Pleadings and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED;
1. Lead Plaintiff shall file an amended complaint on October 21, 2022;
2. Defendants shall file their motion to dismiss by December 6, 2022;
3. Lead Plaintiff shall file any opposition to any motion to dismiss by January 20, 2023.
4. Defendants shall file any reply in support of any motion to dismiss by February 17, 2023.

IT IS SO ORDERED.

DATED: \_\_\_\_\_



THE HONORABLE RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

Submitted by:

Dated: September 12, 2022

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Lucas E. Gilmore

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